



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,471	12/15/2000	Peter M. Black	50740(3)	9663

7590 09/09/2003

SANFORD ASTOR
Stall, Astor & Goldstein
Suite 200
10507 West Pico Blvd.
Los Angeles, CA 90064

EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,471

Applicant(s)

BLACK ET AL.

Examiner

F. J. BARTUSKA

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 8, 9, 11, 15, 16 and 18-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Doner et al.

Doner et al disclose an apparatus and method for retrieving and grouping images representing text files by conducting a word frequency analysis of a reference document to determine keywords and prepare a list of documents relevant to the keywords, see especially col. 7, line 15 to col. 8, line 40. Re claim 4, Doner et al disclose that a user may select keywords, see col. 5, lines 33-37. Re claim 8, Doner et al disclose a Boolean query in col. 5, line 65 to col. 6, line 13.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doner et al. Doner et al disclose all the features of the applicants' claimed invention except the manual selection of products for display.

Merely calling for the manual performance of a previously automated process involves only a notorious expedient in any art.

6. Claims 5, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doner et al in view of Conklin et al. Doner et al disclose all the features of the applicants' claimed invention except the metatags in the documents. Conklin et al disclose in col. 29, lines 4-20 inserting metatags into documents to give higher priority to keywords in the documents. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Conklin et al to provide the documents of Doner et al with metatagging to give higher priority to certain keywords.

7. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doner et al in view of Kanaegami et al. Doner et al disclose all the features of the applicants' claimed invention except associating the keywords with their synonyms. Kanaegami et al disclose a text search system that associates keywords with their synonyms to improve the search results, see col. 1, lines 26-45. It would have been obvious to one of ordinary skill in the art in view of the

showing and teaching of Kanaegami et al to associate the keywords of Doner et al with their synonyms to improve the search results.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doner et al in view of Arnold et al. Doner et al disclose all the features of the applicants' claimed invention except including links to a sale site for the products. Arnold et al disclose web pages that include links to a sale site of products to allow users to purchase the products. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Arnold et al to provide the search results of Doner et al with links to sale sites of the products to allow users to purchase the products.

Response to Arguments

9. The applicants argue that Doner et al does not disclose "products available for purchase". Figs. 3 and 5 of Doner et al show that the documents include the sales and products of the Wonder Company. Clearly then, Doner et al disclose that the reference document and the documents of the search results are related to products that are for purchase.

Art Unit: 3627

10. The applicants argue that claim 18 includes at least all the allowable limitations of claim 1 of the applicant's prior patent 6,546,386. Claim 18 does not include the limitation: "...creating queries by combining the subject matter with each of the keywords." of claim 1 of the patent.

11. The applicants argue that Doner et al does not determine the keywords of the documents in the database and use those keywords to match the keywords of the reference document. Applicants' claim 11 calls for conducting a statistical frequency analysis of the word occurrence in the product descriptions. Col. 7, lines 15-58 disclose performing a statistical frequency analysis of the keywords in the documents in the database to determine a weighted relevance of the documents, after which the keywords are matched to the keywords in the reference document as shown in the display in Fig. 5 of Doner et al.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3627

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI can be reached on

Art Unit: 3627

703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

fjb


F. J. BARTUSKA
PRIMARY EXAMINER 9/8/03